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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Crabb et al. May 11, 2001
Predecessor Serial No.: 09/399,855 Group Art Unit No.: 1614
Predecessor File Date: Sept. 21, 1999 Examiner: K. Weddington
For: Methods of Use of Antimicrobial Compounds Against
Pathogenic Mycoplasma Bacteria

Assistant Commissioner for Patents
New Applications
Washington, D.C. 20231

PRELIMINARY AMENDMENT

The above-captioned application is a divisional of US 09/399,855, which was allowed on January 29, 2001. Please amend the present application as follows.

IN THE CLAIMS:

Please cancel claims 1-2, 4-7, and 9-11, without prejudice or disclaimer.

Please amend claim 3, without prejudice or disclaimer, to read as follows:

3. A method of treating or preventing a bacterial infection by pathogenic Mycoplasma bacteria comprising the step of administering an antibacterially effective amount of a composition comprising a gemifloxacin compound, or an antibacterially effective derivative thereof, to a mammal suspected of having or being at risk of having an infection with pathogenic Mycoplasma bacteria.

Please add new claims 12-34:

12. The method of claim 3 wherein said pathogenic *Mycoplasma* bacteria is a member of the genus *Mycoplasma*.
13. The method of claim 12 wherein said bacteria is selected from the group consisting of: *Mycoplasma hominis* and *Mycoplasma fermentans*.
14. The method of claim 12 wherein said bacteria is selected from the group consisting of: *Mycoplasma pneumoniae*, *Mycoplasma genitalium*, and *Mycoplasma penetrans*.
15. The method of claim 3 wherein said bacteria is a member of the genus *Ureaplasma*.
16. The method of claim 15 wherein said bacteria is *Ureaplasma urealyticum*.
17. The method according to claim 3 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.
18. The method according to claim 17 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.
19. The method according to claim 18 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.
20. The method according to claim 12 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.
21. The method according to claim 20 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.
22. The method according to claim 21 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.
23. The method according to claim 13 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.
24. The method according to claim 23 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.
25. The method according to claim 24 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.
26. The method according to claim 14 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.

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27. The method according to claim 26 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.
28. The method according to claim 27 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.
29. The method according to claim 15 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.
30. The method according to claim 29 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.
31. The method according to claim 30 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.
32. The method according to claim 16 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.
33. The method according to claim 32 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.
34. The method according to claim 33 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.

REMARKS

Upon entry of this amendment, claims 3, 8 and 12-34 will be pending in the application. Claims 1, 2, 4-7 and 9-11 are being cancelled without prejudice or disclaimer. Claim 3 is being amended and claims 12-34 are being added. Support for this amendment is found, for example, in the original claims of the prior application. No new matter is being added.

A marked-up version showing the amendment to claim 3 is set forth below (new text shown by underlineation):

3. (once-amended) A method of treating or preventing a bacterial infection by pathogenic Mycoplasma bacteria comprising the step of administering an antibacterially effective amount of a composition comprising a gemifloxacin compound, or an antibacterially effective derivative thereof, to a mammal suspected of having or being at risk of having an infection with pathogenic Mycoplasma bacteria.

Favorable consideration and allowance of the claims is earnestly solicited. If it would expedite the prosecution of this application, the Examiner is invited to confer with the Applicants' undersigned attorney.

Respectfully submitted,



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